

Express Mail Mailing Label No. EV334229586US

TRANSMITTAL
FORM

Application Serial Number	09/738,614
Filing Date	December 15, 2000
First Named Inventor	Kaufman et al.
Group Art Unit	1743
Examiner Name	Jeffrey N. Snay
Attorney Docket No.	MDS-013A


ENCLOSURES (check all that apply)

<input checked="" type="checkbox"/> Fee Transmittal Form (1 pg.) <input checked="" type="checkbox"/> Check Attached <input checked="" type="checkbox"/> Copy of Fee Transmittal Form (1 pg.)	<input type="checkbox"/> Copy of Notice to File Missing Parts of Application (PTO-1553)	<input type="checkbox"/> Notice of Appeal to Board of Patent Appeals and Interferences
<input type="checkbox"/> Amendment/Response <input type="checkbox"/> Preliminary <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Letter to Official Draftsperson including Drawings [Total Sheets _____]	<input type="checkbox"/> Formal Drawing(s)	<input type="checkbox"/> Appeal Brief (in triplicate)
<input type="checkbox"/> Petition for Extension of Time	<input type="checkbox"/> Request For Continued Examination (RCE) Transmittal	<input type="checkbox"/> Status Inquiry
<input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Form PTO-1449 <input type="checkbox"/> Copies of IDS Citations	<input type="checkbox"/> Power of Attorney (Revocation of Prior Powers)	<input checked="" type="checkbox"/> Return Receipt Postcard
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> Terminal Disclaimer	<input type="checkbox"/> Certificate of First Class Mailing under 37 C.F.R. 1.8
<input type="checkbox"/> Sequence Listing submission <input type="checkbox"/> Paper Copy/CD <input type="checkbox"/> Computer Readable Copy <input type="checkbox"/> Statement verifying identity of above	<input type="checkbox"/> Executed Declaration and Power of Attorney for Utility or Design Patent Application	<input type="checkbox"/> Certificate of Facsimile Transmission under 37 C.F.R. 1.8
	<input type="checkbox"/> Small Entity Statement	<input checked="" type="checkbox"/> Additional Enclosure(s) (please identify below)
	<input type="checkbox"/> CD(s) for large table or computer program	<input checked="" type="checkbox"/> Application for Patent Term Adjustment under 35 U.S.C. 154 (b) (3 pgs.)
	<input type="checkbox"/> Amendment After Allowance	<input checked="" type="checkbox"/> Copy of Determination of Patent Term Adjustment under 35 U.S.C. 154 (b) (1 pg.)
	<input type="checkbox"/> Request for Certificate of Correction <input type="checkbox"/> Certificate of Correction (in duplicate)	

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Respectfully submitted,

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Attorney for Applicants
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125 High Street
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Date: July 12, 2004
Reg. No. 53,002
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Fax No.: (617) 248-7100



7-13-04
IFW \$DAC
Express Mail Mailing Label No. EV334229586US

PATENT
Attorney Docket No.: MDS-013A

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: Kaufman *et al.* CONFIRMATION NO.: 2193
SERIAL NO.: 09/738,614 GROUP NO.: 1743
FILING DATE: December 15, 2000 EXAMINER: Jeffrey R. Snay
TITLE: METHOD OF MONITORING EFFECTS OF CHEMICAL
AGENTS ON A SAMPLE

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Application for Patent Term Adjustment
under 35 U.S.C. 154 (b)

Sir:

1. This is a request for reconsideration of the patent term adjustment indicated in the Notice of Allowance. A copy of the Determination of Patent Term Adjustment under 35 U.S.C. 154 (b) mailed from the Patent Office on June 21, 2004 is enclosed herewith.
2. Applicants submit that, in view of the statements herein, the correct patent term adjustment under 35 U.S.C. 154(b) up to the mailing date of the Notice of Allowance is 857 days. The bases for the adjustment are as follow:
 - a. Under 37 C.F.R. 1.702(a)(1), the Patent Office failed to mail at least one of a notification under 35 U.S.C. 132 or a notice of allowance under 35 U.S.C. 151 before the expiration of fourteen months after the date on which this application was filed; and
 - b. Under 37 C.F.R. 1.702(b), the Patent Office failed to issue a patent within three years after the date on which this application was filed.

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3. The relevant dates for the purpose of determining the correct patent term adjustment are as follow:

a. Adjustment under 37 C.F.R. 1.702(a)(1)

- | | | |
|------|---|---------------------|
| i. | Filing date of this application: | 12/15/2000 |
| ii. | Day after the fourteen-month date from the filing date of this application: | 02/16/2002 |
| iii. | Mailing date of written restriction requirement: | 03/18/2004 |
| | Number of days between (ii) and (iii): | (a) <u>762 days</u> |

b. Adjustment under 37 C.F.R. 1.702(b) up to the mailing date of the Notice of Allowance

- | | | |
|------|---|---------------------|
| i. | Filing date of this application: | 12/15/2000 |
| ii. | Day after the three-year date from the filing date of this application: | 12/16/2003 |
| iii. | Mailing date of the Notice of Allowance: | 06/21/2004 |
| | Number of days between (ii) and (iii): | (b) <u>189 days</u> |
| c. | (a) + (b): | (c) <u>951 days</u> |
| d. | Overlap between 12/16/03 and 3/18/04: | (d) <u>94 days</u> |
| e. | Total number of days adjusted [(c) – (d)]: | (e) <u>857 days</u> |

4. Applicants further submit that the patent to be issued is not subject to any terminal disclaimer, and that there were no circumstances constituting a failure to engage in reasonable efforts to conclude processing or examination of this application as set forth in 37 C.F.R. 1.704. Specifically, Applicants submit that responses to all notices and actions by the Patent Office were timely filed and well within the three-month period set forth in 37 C.F.R. 1.704(b):

- a. A Notice to File Missing Parts was mailed to the Applicant on March 19, 2001. A response by the Applicants was received in the Office on April 16, 2001.
- b. A Written Restriction Requirement was mailed to the Applicant on March 18, 2004. A response by the Applicants was received in the Office on April 19, 2004.

Accordingly, Applicants submit that the sum of the periods calculated under 37 C.F.R. 1.703(a)-(e) up to the mailing date of the notice of allowance, to the extent that such periods are not overlapping, less the sum of the periods calculated under 37 C.F.R. 1.704, amounts to a patent term adjustment of 857 days.

5. Fee Payment (37 C.F.R. 1.18(e))


The fee required for consideration of this application is paid as follows:

- ☒ Enclosed is one check in the amount of \$200.00 representing the processing fees required under 37 CFR 1.705(b)(1).
- ☒ Charge Account 20-0531 for any fee deficiency.

If, for any reason, this Petition is found not to comply with the requirements of 37 CFR 1.705, or is otherwise found improper, it is requested that the undersigned attorney be contacted by telephone.

Respectfully submitted,

Date: July 12, 2004
Reg. No. 53,002
Tel. No. (617) 310-8427
Fax No. (617) 248-7100

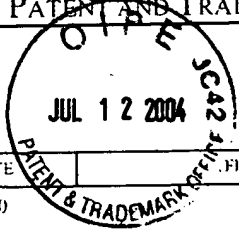

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COPY



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UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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www.uspto.gov



APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/738,614	12/15/2000	Howard Kaufman	MDS-013A	2193
021323	7590	06/21/2004	EXAMINER	
TESTA, HURWITZ & THIBEAULT, LLP HIGH STREET TOWER 125 HIGH STREET BOSTON, MA 02110			SNAY, JEFFREY R	
			ART UNIT	PAPER NUMBER
			1743	

DATE MAILED: 06/21/2004

Determination of Patent Term Adjustment under 35 U.S.C. 154 (b)
(application filed on or after May 29, 2000)

The Patent Term Adjustment to date is 378 day(s). If the issue fee is paid on the date that is three months after the mailing date of this notice and the patent issues on the Tuesday before the date that is 28 weeks (six and a half months) after the mailing date of this notice, the Patent Term Adjustment will be 378 day(s).

If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that determines Patent Term Adjustment is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) system (<http://pair.uspto.gov>).

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (703) 305-1383. Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at (703) 305-8283.